

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: **MADELINE ESTATES SUBDIVISION**

Case Number: **PLD2006-00071, SEP2006-00130**

Location: 14717 NE 9th Street

Request: The applicant is proposing a preliminary subdivision plat approval of 3 tax lots totaling approximately 4.97 acres into 15 residential lots in the R1-10 Zoning District.

Applicant: Pacific Mountain Development
Attn: Brian Allen
19215 SE 34th Street, #231
Camas, WA 98607
(360) 772-1783, E-mail: Brian@pacificmtn.net

Contact Person: MGH Associates
Attn: Greta Lavadour
104 W 9th Street, Suite 207
Vancouver, WA 98660
(360) 750-0399, E-mail: Greta.lavadour@mghassociates.com

Property Owners: Roberta Nehler
14717 NE 99th Street
Vancouver, WA 98682
David & Debra Kirkman
9711 NE 149th Avenue
Vancouver, WA 98682

RECOMMENDATION

Approve subject to the Conditions of approval

Team Leader's Initials: _____ **Date Issued:** August 30, 2006

Public Hearing Date: September 14, 2006

County Review Staff:

	<u>Name</u>	<u>Phone (360)</u> <u>397-2375, Ext</u>	<u>E-mail Address</u>
Planner:	Michael Uduk	4385	Michael.uduk@clark.wa.gov
Engineer (Trans. and Stormwater):	David Bottamini, P. E.	4881	David.bottamini@clark.wa.gov
Engineer (Trans. Concurrency):	Richard Gamble, P. E.	4354	Richard.gamble@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan, P. E.	4064	Sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low (UL)

Parcel Number(s): Tax Lot 209 (154366 and Tax Lot 105 (154262) and 38 (154196) located in the NE ¼ of Section 2, Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapter: 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.220.010 (Single-family Residential Districts, R1-10), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.500 (Process), RCW 58.17 (State Land Division Laws)

Neighborhood Association/Contact:

Sifton Neighborhood Association
Lamont Shaindlin, President
7016 NE 140th Avenue
Vancouver, WA 98682

Time Limits:

The application was determined to be fully complete on July 7, 2006 (see Exhibit No. 7). Therefore, the County Code requirement for issuing a decision within 92 days lapses on November 7, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on December 7, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 16, 2006. The pre-application was determined to be contingently vested as of February 22, 2006 (i.e., the date the fully complete pre-application was submitted).

The application was submitted and determined to be counter complete on June 16, 2006, and determined to be fully complete on July 7, 2006. Therefore, the vesting date for this application is February 22, 2006 (the date fully complete application was submitted). There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant, property owners within 300 feet of the site and West Sifton Neighborhood Association on July 10, 2006. One sign was posted on the subject property and two within the vicinity on August 30, 2006. Notice of the likely SEPA Determination and public hearing was published in "The Columbian" newspaper on July 10, 2006.

Public Comments:

The county received letters from the Southwest Clean Air Agency (Exhibit 11) and the State of Washington Department of Ecology (Exhibit 12).

The letters from the Southwest Clean Air Agency and the Washington State Department of Ecology are advisory in nature. The letters indicate that the development site is not located near any known potentially contaminated site; but the letters also provide advice regarding appropriate procedures needed to contain potential contaminants, (e. g, asbestos) if discovered during site development.

The county also received letters from Patrick and Lindsay Barlow and Ken and Cheryl Garland. The Barlows and Garlands raised issues regarding landscaping screening and fencing to separate properties. Other questions relate to public health issues for example, the potential of three existing wells in the area being contaminated by stormwater run-off. The county code dose not regulate potential impacts between single-family residential development; but, property owners should request the Health Department to monitor their wells from time to time to ensure that acceptable potable water quality is maintained.

Project Overview

The applicant is requesting a preliminary plat approval to subdivide 3 tax lots totaling approximately 4.97 acres into 15 residential lots in the R1-10 zoning district.

The R1-10 district permits several uses outright, conditionally and by review and approval (R/A). The district also provides for a maximum density of 4.4 residential units and a minimum density of 2.9 residential units per acre. Single-family detached dwellings are permitted outright in the R1-10 district.

Table 1 shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential (UL)	Single-family R1-10	The development site comprises 3 tax lots. The development site is situated on both sides of NE 149 th Avenue, a private street. There are two existing single-family houses on the site, one of which will be retained on the proposed Lot 3. The existing buildings qualify for impact fees credits. Existing vegetation on the site includes some mature second growth trees, landscape trees and patches of field grass.
North	UL	R1-10	NE 99 th Avenue and acreage home sites.
East	UL	R1-10	Channing Park II (H 668) and a large acreage home site.
South	UL	R1-10	Acreage home site (SP. 1-187).
West	UL	R1-10	Acreage home sites

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Lauren loam (LeB) on slopes ranging from zero to 8 percent. Maps from Clark County's GIS Mapping System do not indicate that the site contains wetlands and other known critical areas.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection District 5, Evergreen School District, Orchard Impact Fees District, and Parks Improvement District 5. The City of Vancouver provides potable water and sewer services in the area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|----------|---------------------|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |

- 4. Plants
- 5. Animals
- 6. Energy and Natural Resources
- 7. Environmental Health
- 8. Land and Shoreline Use

- 12. Recreation
- 13. Historic and Cultural Preservation
- 14. Transportation
- 15. Public Services
- 16. Utilities

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

The development site is approximately 4.97 acres situated on both sides of NE 149th Avenue. The applicant is proposing a 15-lot single-family subdivision.

If the development were to occur at the maximum density permitted by the R1-10 zoning district, then the gross acreage (4.97 acres) could be divided into 21 lots; but, if the development were to occur at the minimum density, then the gross acreage could be divided into 14 lots. The applicant's narrative (Exhibit 6, page 3) indicates that approximately 0.83 acres (or 36,154.8 square feet) will be dedicated for public right-of-way. The net acreage is approximately 4.14 acres that is being subdivided into 15 lots. Table 2 below, summarizes the density calculation as follows:

Table 2: ROW & Density Calculation – R1-10

Acres (gross)	ROW (in acres)	Stormwater facility	Acres (net)	Density ¹ (net)	Density (proposed)
4.97	0.83	N/A	4.14	18 - 12	15

Staff finds that the proposed 15-lot subdivision complies with the applicable density requirements in the R-18 zone. This finding does not require a condition of approval.

Finding 2

Staff finds that Table 40.220.010-2 provides the following lot requirements in the R1-10 Zoning District:

¹ The density is calculated based upon the gross acreage of the site minus any public right of way dedication (see CCC 40.200.040 (B) (2) and Table 40.220.010-2).

Table 4: Table 40.220.010-2 (Lot Requirements)

Zoning District	Residential Density (d.u./acre)	Average Minimum Lot Area (sq. ft.)	Maximum Average Lot Area (sq. ft.)	Average Minimum Lot Width (feet)	Average Minimum Lot Depth (feet)
R1-10	4.4 – 2.9	10,000	15,000	80	90

In the R1-10 district, the code requires a minimum lot area of 10,000 square feet and an maximum lot area of 15,000 square feet for single family residential housing. The code also requires an average minimum lot width of 80 feet and an average maximum lot depth of 90 feet. For Madeline Subdivision, staff finds as follows:

1. The smallest lot is Lot 14 with an area of approximately 10,096 square feet; and,
2. The Largest lot is Lot 3 with an area of approximately 19,984 square feet. Lot 3 also has an existing single-family dwelling that will be retained (see Conditions A-1a and D-6a).

Finding 3

Lot 8 is a flag lot that is served by an access and utility easement located along the southern section of Lot 9. CCC 40.100.070 provides the definition for the front lot line. The code defines the front lot line for a flag lot as “the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole.” The applicant has revised the preliminary plat to indicate the appropriate location of the front lot on the proposed Lot 8; therefore, this standard has been met and no condition of approval is required.

Finding 4

Lot 8, as proposed will be served by a 15 foot access and utility easement running along the southern boundary of the site. Clark County Code requires that all lots shall have a minimum of 20 feet of access to a public or private street [per CCC 40.200.050 (B)]. The preliminary plat shows a 20 foot wide access and utility easement along the southern boundary of the site to serve the proposed Lot 8; therefore, this standard is met and no condition of approval is required.

Signs

Finding 5

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Condition F-2).

Conclusion (Land Use):

Staff finds that the proposed preliminary plan can comply with the applicable sections of the Code, subject to the conditions of approval identified in this report.

CRITICAL AREAS:

There are no known critical areas mapped on this property.

TRANSPORTATION:

Pedestrian Circulation

Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The applicant is proposing a sidewalk along one side of the proposed extension of NE 112th Avenue.

The Applicant's Road Circulation Plan

Finding 2

According to the applicant, the proposal includes constructing half-street improvements to proposed NE 112th Avenue (an "Urban Local Residential Access" road) south along the western boundary of parcel #200153-000 to the northern boundary of Serena Estates. The proposed 35-foot half-width road will extend south from the southeastern corner of Prairie Park Estates to the northern terminus of NE 112th Avenue within the Serena Estates subdivision. This road extension will provide additional cross circulation in the area. This road extension will parallel the future road shown on the arterial atlas. NE 112th Avenue extension will provide cross circulation between Prairie Park and the Serena Estates and Windsor Downs developments to the south and addresses the long term circulation needs of the area.

Analysis of the Road Circulation Plan

Finding 3

The road is providing north and south circulation. In addition, circulation to the west can be provided. The project complies with the circulation code, CCC 40.350.030(B)(2).

Roads

Finding 4

The applicant has determined that NW 112th Avenue is classified as an "Urban Neighborhood Circulator" after having submitted a plan that indicated NW 112th Avenue is an "Urban Local Residential Access" road. If the estimated ADT (average daily trips) through the subject length of NW 112th Avenue at full build out of the area is more than 1500 ADT, the road is classified as an "Urban Neighborhood Circulator" road. The maximum number of houses that are allowed for a "Neighborhood Circulator" is 300 and for a "Local Residential Access" road it is 150 per Table 40.350.030-4 of CCC 40.350.030(B)(3). Ten ADT apply to each house.

The off site road improvement code is 40.350.030(B)(6)(b). The applicant meets the code section by proposing a minimum of 20 feet of paved width. A commercial driveway will access the road extension and will conform to standard detail F17.

The applicant has proposed a road section that is consistent with an "Urban Local Residential Access" road including a half-width paved width of 14 feet, a half-width 23-foot right-of-way, curb, gutter, and sidewalk all inside a 37-foot partial width right-of-way. The proposed road section associated with NE 112th Avenue shall be altered to reflect an "Urban Neighborhood Circulator" road section by including an 18-foot paved half-width and a 27-foot half-width right while complying with the 20-foot minimum paved width requirement. (See Condition A-2a)

Road Modifications

A road modification is not needed for this proposal. Road striping will most likely be required at the connection of the proposed length of NE 112th Avenue and existing NE 112th within Serena Estates. The road striping details can be worked out during final engineering review.

Sight Distance Analysis

Finding 5

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, utility poles, and structures will not be allowed to impede sight distance requirements. (See Condition A-2b)

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Trip Generation

Finding 1:

County concurrency staff has reviewed the proposed Madeline Estates Subdivision consisting of 15 single family home units with two existing single family homes. The applicant's traffic study has estimated the net weekday AM peak-hour trip generation at 10 new trips, while the net PM peak-hour trip generation is estimated at 13 new trips using nationally accepted data published by the Institute of Transportation Engineers. The site is located at 14717 NE 99th Street.

Site Access

Finding 2:

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. All of the site access intersections analyzed in the applicant's traffic study will have an estimated LOS B or better during the peak traffic hours at the future build-out of the proposed development.

The applicant's site plan is unclear as to how it will address the private road versus public road issue. The proposed access road, NE 149th Avenue, is proposed to be public; however, the existing NE 149th Avenue that goes south of NE 99th Street is a private road that appears to be adjacent and parallel to the proposed public road. Both of these roads cannot access NE 99th Street directly. If the private road were allowed to

continue to access NE 99th Street directly, then there would be a public and private road next to each other, causing confusion for drivers as to who would have the right of way for ingress and egress. This would cause a significant hazard. Since the proposed development would be causing this significant hazard, the proposed development would need to address this problem in order to obtain a recommendation of approval. This issue will be addressed by the Department of Community Development.

Concurrency

Finding 3:

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B). The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development. The County's TraffixTM model includes many of the intersections of regional significance in the area and the County's model, along with the applicant's traffic study, was used to evaluate concurrency compliance. The modeling results and applicant's traffic study indicate that the operating levels comply with travel speed and delay standards.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant should reimburse the County for costs incurred in running the concurrency model. (See Transportation Concurrency Condition A-3a)

SAFETY

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Traffic Signal Warrants

Finding 4:

The applicant's traffic study did not analyze traffic signal warrants due to a LOS B at the site access. All other regionally significant intersections are included in the county's models and they do not appear to meet signal warrants. Therefore, mitigation to install a traffic signal or signals along the frontage of the site or at offsite intersection is not required.

Turn Lane Warrants

Finding 5:

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study did not analyze the need for turn lanes at the site access. However, due to the relatively small number of turning vehicles, the increased traffic from the proposed development would not result in turn lane warrants being met. Therefore, mitigation to install turn lanes on NE 99th Street is not required.

Historical Accident Situation

Finding 6:

The applicant's traffic study analyzed the accident history at the intersections in the vicinity of the site. The historical accident rate at these locations does not exceed thresholds that would warrant additional analysis.

Sight Distance

Finding 7:

Sight distance at the site access is addressed by Community Development. However, the applicant's traffic study identified a sight distance restriction at the intersection of NE 149th Avenue and NE 99th Street (the site access) looking east. Apparently, removal of vegetation would improve the sight distance to the required standard, per comments in the traffic study. The applicant will need to address this issue through Community Development in order to obtain an approval.

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Applicability

Finding 1

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

The Applicant's Stormwater Proposal

Finding 2

According to the applicant, runoff from the existing houses outfalls to the ground. The site gently slopes towards the southwest. Elevations range from 278 feet to 281 feet.

Runoff from the public frontage improvements on NE 99th Street and will be treated for water quality in a StormFilter (Contech Stormwater Solutions) and then discharged to a proposed drywell. Runoff from the interior project improvements will be treated for water quality in a StormFilter manhole or vault and then discharged to a proposed drywell. Runoff from the buildings does not require treatment and will discharge directly to an individual infiltration trench.

The applicant states that the infiltration rate determined by the applicant on April 6th, 2006, was 80 inches per hour. The design infiltration rate is ½ the test rate for a final design rate of 40 inches per hour. No groundwater was encountered in the borings completed to 10.5 feet deep.

Analysis of the Stormwater Proposal

Finding 3

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed. (See Condition # A-4a)

Per CCC 40.380.040(D)(7), public stormwater treatment and control best management practices in urban residential subdivisions and short plats shall be located within separate public tracts. Staff will allow for the public StormFilter manholes to be located inside of the public right-of-way provided they do not interfere with any existing or proposed utilities. If the stormwater facilities are privately owned and maintained, they are allowed to be in private easements outside of the public rights-of-way. (See Condition # A-4b)

FIRE PROTECTION:

Fire Marshal Review

Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Condition E-2).

Fire Flow

Finding 3

Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. The information from the water purveyor indicates that the required fire flow is available at the site. Water

mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to commencement of combustible building construction (see Conditions A-8a).

Fire Hydrants

Finding 4

Fire hydrants are required for this application. The indicated number and spacing of new and existing fire hydrants (on the preliminary plat) are adequate.

Finding 5

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants (see Condition A-8b).

Fire Apparatus Access

Finding 6

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (See Condition A-8c).

Finding 7

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Therefore, no condition is necessary with this finding.

Fire Apparatus Turnaround

Finding 8

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate. Therefore, no condition is necessary with this finding.

HEALTH DEPARTMENT REVIEW:

Finding 1

The City of Vancouver provides potable water and sewer services in the area. A utility review from the city (Exhibit 6, tab M) indicates that the required fire flow is available to serve this development. The applicant shall make the necessary improvements to connect all new lots, including the existing housing, to public water and sewer services provided by the City of Vancouver (see Condition E-3).

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures

on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (See Condition A-9)

Other Health Concerns

Finding 3

One of the two existing houses on the site will be demolished. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied (see Condition D-3a)

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording (see Condition D-3b)

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 5, Evergreen School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district. There is 2 single-family houses on the site; one of them will be retained on Lot 3 that qualifies for impact fees credit. Therefore, park, school, and traffic impact fees shall be assessed on 13 of the proposed 15 new single-family dwellings.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, except for Lot 3 that is granted impact fees credits, the park, school, and traffic impact fees for each of the 13 of the 15 single-family dwellings in this subdivision are:

Impact Fee District	Single-Family Detached dwelling
1. Parks Improvement District 5	\$1,799.00 (\$1,359.00 acquisition fee and \$440.00 development fee) per new single-family dwelling
2. Evergreen School District	\$3,540.00 per new single-family dwelling.
3. Orchards TIF District	\$1,439.81 per new single-family dwelling.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Condition D-4e and E-4)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

The publication date of this (likely) DNS was July 20, 2006, and was issued under WAC 197-11-340. The lead agency did not act on this proposal until the close of the 14-day comment period, which ended on August 3, 2006.

Public Comment Expired on:

August 3, 2006

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385
Krys Ochia, (360) 397-2375, ext. 4834

Responsible Official: Michael V. Butts

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Land Use

- a. Each single-family lot shall comply with the development standards in Table 40.220.010-2 and Table 40.220.010-3 regarding the average minimum lot area, the average minimum lot width, the average minimum lot depth, the minimum building set back and the maximum building height in the R1-10 zoning district (see Land Use Finding 2).

A-2 Final Transportation Plan/On-Site

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The proposed road section associated with NE 112th Avenue shall be altered to reflect an "Urban Neighborhood Circulator" road section by including an 18-foot paved half-width and a 27-foot half-width right while complying with the 20-foot minimum paved width requirement. (Transportation Finding 4)
- b. Landscaping, utility poles, and structures will not be allowed to impede sight distance requirements. (See Transportation Finding 5)

A-3 Transportation

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval. (Standard Condition)
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (Standard Condition)

A-4 Final Transportation Plan/Off Site (Concurrency)

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made prior to final site plan review (see Transportation Concurrency Finding 3).

A-5 Final Stormwater Plan

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed.
- b. Per CCC 40.380.040(D)(7), public stormwater treatment and control best management practices in urban residential subdivisions and short plats shall be located within separate public tracts. If the stormwater facilities are privately owned and maintained, they are allowed to be in private easements outside of the public rights-of-way.

A-6 Erosion Control Plan

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

A-7 Final Landscape Plan

The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320, and the following conditions of approval:

None

A-8 Fire Marshal Requirements

- a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per square inch (psi) for 60 minutes duration is required for this application. The information from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to commencement of combustible building construction (see Fire Protection Finding 3).
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Fire District 6 at 360-576-1195 to arrange for location approval. A 3-foot clear space shall be maintained around the circumference of all fire hydrants (see Fire Protection Finding 5).
- c. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 6).

A-9 Health Department Review

Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the

Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department (see Health Department Finding 2).

A-10 Other Documents Required

The following documents shall be submitted with the Final Construction/Site Plan:

a. Developer's Covenant:

A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (Standard Condition)

A-11 Excavation and Grading

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252. (Standard Condition)

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

- a.** Prior to construction, fire flow in the amount of 1,000 gallons per minute (gpm) supplied at 20 pounds per square inch (psi) for 60 minutes duration. The required fire flow is available at the site (see Fire Protection Finding 3).

B-2 Erosion Control

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration

systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control

Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Land Use

(See Condition A-1a through A-1c)

C-2 Transportation (Concurrency)

None

C-3 Fire Marshal Requirements

The applicant shall comply with all the applicable requirements of the Fire Marshal consistent with the International Building and Fire Codes

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use

(See Condition A-1a through A-1c)

D-2 Fire Marshal Requirements

(See Conditions A-8a and A-8b)

D-3 Health Department Signature Requirement

- a. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied.
- b. The location of underground storage tanks must be identified on the final plat and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording.

D-4 Developer Covenant

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. Critical Aquifer Recharge Areas

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater/drinking supply protection."

b. Erosion Control

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

c. Responsibility for Stormwater Facility Maintenance

"For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060."

d. Archaeological

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

e. Impact Fees

"In accordance with CCC 40.610, except for Lot 3 and 7 that are waived, the School, Park and Traffic Impact Fees for 13 of the proposed 15 lots proposed in this subdivision are:

Impact Fee District	Single-Family detached dwelling
1. Parks Improvement District 5	\$1,799.00 (\$1,359.00 acquisition fee and \$440.00 development fee) single-family dwelling unit.
2. Evergreen School District	\$3,540.00 per single-family dwelling unit.
3. Orchards TIF District	\$1,439.81 per single-family dwelling unit.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated , and expiring on . Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-5 Addressing

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-6 Plat Notes

a. Each single-family lot shall comply with the development standards in Table 40.220.010-2 and Table 40.220.010-3 regarding the average minimum lot area, the average minimum lot width, the average minimum lot depth, the minimum building set back and the maximum building height in the R1-10 zoning district (see Land Use Finding 2).

b. Mobile Homes:

"Mobile homes are permitted on all lots subject to the requirements of CCC 40.260.130."

c. Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

d. Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with

ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

- e. "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Land Use

Each lot proposed in this subdivision shall comply with the development requirements in Tables 40.220.020-2 & 3 regarding building setback, average minimum lot width, average minimum lot depth, lot area, lot coverage and building height in the R1-10 zoning district (see Land Use Finding 2).

E-2 Fire Marshal Requirements

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).

E-3 Health Department Review

The applicant shall provide all the improvement necessary to connect each lot to public water and sewer provided by the City of Vancouver.

E-4 Impact Fees

"In accordance with CCC 40.610, except for Lot 3 and Lot 7 that are waived, the School, Park and Traffic Impact Fees for 13 of the proposed 15 lots proposed in this subdivision are:

Impact Fee District	Single-Family detached dwelling
1. Parks Improvement District 5	\$1,799.00 (\$1,359.00 acquisition fee and \$440.00 development fee) single-family dwelling unit.
2. Evergreen School District	\$3,540.00 per single-family dwelling unit.
3. Orchards TIF District	\$1,439.81 per single-family dwelling unit.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Land Use - Sign

Any proposed sign or signs for this subdivision shall comply with the applicable sections of the sign ordinance, CCC 40.310 (see Land Use Finding 5).

F-2 Landscaping

Prior to the issuance of an approval of occupancy for a site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. (Standard Condition)

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

<p><u>Note:</u> Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.</p>

<p>HEARING EXAMINER DECISION AND APPEAL PROCESS</p>
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This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and

those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Appeal Filing Deadline:

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- Per CCC 40.520.020 (C). The appeal fee of **\$266**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the

issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan		
Final Landscape Plan:	✓	
-On-site landscape plan		
-Right-of-way landscape plan*		
Final Wetland Plan		
Final Habitat Plan		

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.